

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
SPENCER BROOKS BLEDSOE, JR. and) CASE NO. 04-66255 JPK
KATHRYN BLEDSOE,) Chapter 13
)
Debtors.)

ORDER ON MOTION TO REINSTATE AUTOMATIC STAY

On July 21, 2005, the debtors, by counsel, filed a Motion to Reinstate Automatic Stay and Request for Hearing. This motion asserts that the debtors have filed a Chapter 13 plan in this case – which was converted to Chapter 13 from a case under Chapter 7 – which provides for retention of their residential real property, and that the automatic stay should be reinstated in order to undue the effects of the Court's order entered on April 21, 2005 by which that real estate was abandoned by the Chapter 7 estate and relief from the stay was granted to Citimortgage, Inc. with respect to that real property.

The Court's order of April 21, 2005 was unopposed by the debtors and was entered prior to the debtor's motion to convert their case from a case under Chapter 7 to a case under Chapter 13, filed on May 2, 2005. The motion seeks the remedy of "reinstating" the automatic stay to allow the debtors to provide for the creditor's indebtedness under the terms of their Chapter 13 plan. Unfortunately, the real estate is no longer property of their bankruptcy estate: the April 21, 2005 order abandoned the property from the estate in addition to granting stay relief. The motion does not seek any form of relief with respect to the April 21, 2005 order.

The Court finds that the above-designated motion fails to present any claim to the Court upon which the debtors may obtain relief, and that it should be denied.

IT IS ORDERED that the Motion to Reinstate Automatic Stay and Request for Hearing filed by the debtors on July 21, 2005 is denied.

Dated at Hammond, Indiana on August 25, 2005.

/s/ J. Philip Klingeberger
J. Philip Klingeberger
United States Bankruptcy Court

Distribution:
Debtors, Attorney for Debtors, Trustee, US Trustee, Attorney for Creditor